

The regular meeting of the Town Assembly of the Village of Arden was held on January 27, 1987, Chairman William Press presiding.

In attendance were:

Virginia Shaw	Bernie Brachman	Joan W. Colgan
Eugene Shaw	Ruth Bean	Susan Rohrbach
Sarah Hamburger	Samuel L. Bean	Aaron Hamburger
Lanier Colgan	Carl Falco	Thomas E. Colgan
Romeo Hubner	Tim Colgan	John Hewlett
John Dossett	Rae Gerstine	Shari Gallagher-Phalan (NV)
Ellen Dolmetsch	Steve Tanzer	Tony Colgan
Leon Tanzer	Patricia Press	Don Holcomb
Don Berman	Shaul Gladstone	Bill Theis
Frank Akutowicz	Clara Dossett	Larry Walker
Connie Wright McKinney	Steven A. Threefoot	Jean Brachman
Carolyn Liberman	Kate Threefoot	Ron Enie
Michael K. Curtis	Gail Rinehart	Yvonne King
Jannie Stearns (NV)	Paul Thompson	A. Barnes King

The meeting convened at 7:38 when a quorum was convened.

Bill Press explained that Frank Young was not able to attend tonight's meeting, therefore we have no mike system. Bill recommended that the town investigate getting its own microphone system.

Corrections to the September minutes

- 1) p. 195, paragraph #2. "Temma pointed out that by implied contracts she was referring specifically to ownership interest, not to real estate sales contracts which must be in writing in order to be enforceable by law."
- 2) p. 195, paragraph #4. Question to Mr. Rafferty: have you read the decisions from the Court of Chancery? Answer: no, I have read the case book summaries.

The minutes were approved as corrected.

Communications:

Letter from the State Fire School. They are having a special workshop on fire safety and prevention on February 28.

COMMITTEE REPORTS

Trustees - Joan Colgan

The Trustees are working with the Civic Committee chairperson in an attempt to abort the unauthorized access onto Meadow Lane by the owner of the property on the corner of Harvey Rd. and Meadow Lane.

The owner of a biting dog across Meadow Lane from said property has been notified to restrain his animal or face serious consequences.

An Apple Plus computer, together with assorted peripherals and software, has been donated to the Trust by Mary Ann Nelson of Ardentown; the only missing item is a printer and purchase of one will be considered when enough applications are developed.



Any committees which have potential uses should contact the Trustees.

As a result of some complaints, it was determined that County Ordinance 10A-2b effectively prohibits garbage collection before 6:00 AM. The Civic Committee has been so informed.

A letter was sent to the "Center for Public Dialogue" (Kensington, MD) enlisting its assistance in studying Arden's Land Rent structure. Since the results of any studies and workshops must represent the collective wisdom of the Village, it will be imperative that maximum participation by residents is achieved. Copies of the letter have been sent to Town Assembly and Advisory Committee chairpersons. As soon as a consensus is reached on format, studies and a workshop can be initiated.

Certain out-of-state mortgage companies appear to be having problems with respect to re-financing of Arden mortgages. We are attempting to develop a strategy to deal with this problem, and will welcome any input with reference to this type of problem.

Audit - No Report

Budget - No Report

Assessors - Cy Liberman

The new Board of Assessors has started its work. This year we are seeking more public participation than in the past and are having three hearings instead of the usual two that are required. The first of these is scheduled for tomorrow at 8 PM at the Village Center in room 4. We particularly invite residents of Arden to come and share with us thoughts on how to figure out the "full rental value of the land" which is our assignment. All of our meetings are open to the public and the schedule has been published in the Arden Page.

Buzz Ware Village Center - Connee McKinney

The committee's first experiment in operating an after school program for Arden children in the center was definitely a success. Fifteen children enjoyed the 12-week music program. They were introduced to various instruments and were taught to play simple melodies on the recorder. The Montessori Association had some initial misgivings about our use of the building in the late afternoon period when their own after school program was operating. However, we used room 3, a classroom, for our activity and received outstanding cooperation from the teacher in that classroom, Tissa Harrold, who happens to be an Arden resident. We are very grateful to her. The net cost of the program was \$65.58 in town funds from our \$500 annual appropriation.

Use of the Village Center for meetings, classes and other activities during after school hours and on weekends has been increasing. From September 1986 to January 1987, 47 events were held in the building, including 25 committee meetings and 17 classes.

Our relations with the Wilmington Montessori Association are very good. We, of course, are watching the association's progress in its plans to build a school building and are thinking about future use of the center when the association moves out, which we currently estimate will not occur for at least five years.

Contractors have completed the insulation and roofing financed in part with grants from the state's Bicentennial Improvement



Fund. These two projects required less money than early estimates indicated. We therefore went back to the state and obtained a third grant for the state's half of \$4,200 for painting the entire exterior walls and trim of the building and repairing the screens. The town's matching share to finance this project is in the \$5,000 in matching funds appropriated for the current fiscal year. Because the bills for the new project will not be received until after the end of the current fiscal year on March 25, we are asking the Town Assembly tonight to authorize us to spend some of that money in the next fiscal year.

We recently purchased two tables and a cabinet for storage of coffee-maker and supplies to improve the usefulness of room 4, where many meetings and classes are held. Town funds from our \$500 annual appropriation paid for these items. We encourage the use of this equipment and simply ask that the tables be stored and the coffee-maker be cleaned and stored after use.

Motion: The Buzz Ware Village Center Committee is hereby authorized to encumber \$2,100 from the \$5,000 appropriated for matching state grants during the current fiscal year ending March 25, 1987, and to use that money for the same purpose during the next fiscal year.

Motion unanimously passed.

#### Discussion:

Connee was commended for conceiving, organizing and running the music program. What other programs can we expect in the future? Perhaps an art program. We cannot have a dance program in the BWVC because of the cement floors.

Why do we expect WMA to remain in the building for another 5 years? Their capitol campaign should take at least that long.

#### Civic - Gail Rinehart

Just got work that Delmarva Power intends to replace all gas lines in Arden sometime within the year. They have called for permits.

Garbage. We solicited bids from 5 companies and received bids from Laxton and Atlas:

Laxton - 2xweek at curb	\$31,000
2xweek at house	39,000
Atlas - 2xweek at curb	\$41,000
2xweek at house	52,000

We hope that you will take a look at the Springhouse when you get a chance. Jim Badner did a beautiful job on the roof. We thank Jim for his time and care in the project.

Monies were spent this Fall on: finishing road projects, Fall road and commons clean-up, a fair amount of tree work, springhouse, pruning bushes around BWVC, road signs.

We seem to be having some vandalism; turfing on both greens, road signs and mailboxes. Please be alert.

An update on the problem we have been having with the Meadow Lane access situation from lot #1, the property that borders Arden on the corner of Harvey and Meadow Lane. Our contact with Mr. Hitchens has been upscaled since we noticed he was using Meadow Lane for construction purposes. In July, we sent him a letter to which there was no response but also no more work being done. On the weekend of November 15th, I noticed a foundation



going up. We held a special meeting in early December with the Trustees, Town Chairman and Advisory Chairman to set a course of action. On December 21 we involved our lawyer who sent Mr. Hitchens a fairly strong letter. We continued our research. In early January we received a letter from Mr. Hitchens that included a copy of a permit from the Department of Transportation and a copy of his deed to lots #1 and #4. It became clear to us at this point that there is a misunderstanding in the deed itself. I was scheduled to meet with Mr. Hitchens at Joe Rosenthal's office this past Thursday but the snow storm hit. Obviously another meeting will be scheduled. If Mr. Hitchens is not able to see the problem and continues to use Meadow Lane as an access to his lot we will need to go to court.

I would like to ask people to be a bit more realistic and patient when it comes to clearing the roads in snowstorms and to complain to the committee, not the contractor. Every call they take creates further delays. Also, it does not help when residents pull their cars out of their driveways and park them on the town road, BWVC parking lot, and Gild Hall parking lot. On Saturday I counted 47 cars parked on the roads. I remind people that there is an ordinance in effect that can be used to solve this problem and I will be contacting Frank Akutowicz with license numbers should the situation continue. I also will be putting an article in the Arden Page as a reminder.

#### Discussion:

Regarding the Meadow Lane Access problem. Mr. Hitchens has a permit from the Department of Transportation based on his deed which gives Meadow Lane access to lots #1 and #4. The deed is in error and the Dept. of Transportation has no right to grant this access. Arden gave access only to lots #3 and #6. The Dept. of Transportation denied Mr. Hitchens access to Harvey Rd.

Civic Committee redefined the boundaries of the overflow parking lot with stone and cars are keeping within those boundaries.

What about the problem on St. Martins Lane where the road is washing away? This is an emergency situation; we are not sure of the cause, it may be a broken drain pipe or a blocked private drain. Gene is meeting with the contractor about excavating and putting in a catch basin. We may have to redo the whole drain. We will get estimates when the snow clears.

Moved and unanimously approved that the secretary send a letter of thanks to Jim Badner for his fine job on the Springhouse roof.

#### Community Planning - Frank Akutowicz

##### WMA Park Dedication Progress Report.

Since our last report in September, the WMA Board has met twice with representatives of the 3 Ardens and Windybush. The Board asked the 4 neighborhood units for more money, and announced that they had had discussions with the Brandywine Conservancy on a procedure for creating a park on the back half of their property as agreed in March 1986. The procedure would involve the Conservancy as legal conservator of the park and also involve a transfer of money to the WMA from the 4 neighborhoods and from other interested private sources. The procedure also requires an assessment of the value of the land being dedicated. These



forward propositions produced a rather animated meeting.

At the second meeting the group of 4 told the Board that they were not going to increase their promised contributions, and that they thought Ardencroft should be named co-conservator of the park along with the Brandywine Conservancy. The Board accepted these conditions and the discussion turned to an appraisal of the value of the site. Substantial agreement was reached between the Board and the group on the nature of the appraisal and the qualifications of the person to carry it out. This is important because of development restrictions that have been placed on the site since it was put on the market 2 years ago. The Board has succeeded in hiring an appraiser, but as of today the appraisal has not yet been performed, so there is no further progress to report.

#### Discussion:

What does Ardencroft think of the involvement of the Brandywine Conservancy? They were originally taken unaware but are coming around. The conservancy will look at the parkland twice a year, Ardencroft will have continual guardianship.

Is Windybush prepared to pay their \$10,000 commitment? Our referendum required that all four communities pay equivalent amounts. Windybush and Ardencroft have already spent money on lawyers fees, this must be counted in. Frank explained that equivalent does not mean equal. There must be an accounting of each town's contribution.

#### Arden Trash.

Our investigation of Arden's trash procedure is just about complete. Report due out by the March meeting. An interview with Mr. N.C. Vasuki, manager of Delaware Solid Waste Authority (DSWA), is probably of most immediate interest since the site at Pigeon Point is where all of Arden's trash is delivered. Nobody knows how much trash we send to Pigeon Point. Mr. Vasuki estimated, based on County wide averages, that it is 300t/yr. This requires a tipping fee of \$9800, leaving \$28,200 to the contractor for picking up and hauling 104 times from about 230 points. Arden's percapita annual cost of  $\$38,000/500 = \$76$  compares favorably with NCCounty average of \$84. Mr. Vasuki had nothing new to offer on reducing costs. Tipping fees are going up because the land fill and steam boiler capacities are being increased. Mr. Vasuki offered the following characterization of NC County trash. Paper products 46%, yard products 20%, plastics 8%, metals 8%, glass 8%, wood 4%, textiles 2%, other inorganic 2%, food 1.3%, rubber and leather 1%. Mr. V had nothing to offer on re-cycling or reducing trash flow to Pigeon Point. Our report will have substantially more to say about that. As a final item for now, the DSWA maintains a bonding agreement with private haulers for the benefit and use of customers damaged by hauler's failure to provide collection services as agreed to.

The Council of Civic Organizations of Brandywine Hundred (CC)BH)  
Steve Tanzer, Arden's representative to the Council.



CCOBH represents over 100 civic associations in Brandywine Hundred and Arden has belonged to the Council for many years. Steve attended the quarterly general meetings of the Council and also is an active member of the Zoning Committee of the Council, and has recently been appointed to a sub-committee on adjustment.

The Council has been especially visible in opposing several recent development proposals, the most newsworthy of which was its opposition of development of the Brandywine Raceway site into a regional shopping center and office complex. The participation of the Council was invaluable in defeating this proposal in County Council. Had the proposal succeeded, one inevitable result would have been an increase of traffic on Harvey Rd., as a result of planned spilling of traffic onto Grubb Rd. It can safely be said that CCOBH was the single most effective factor in turning back this proposal.

The Council has also been active in seeking to assure that whatever development is permitted in Brandywine Hundred also protects the interests and concerns of the member civic associations and the interests of Brandywine Hundred as a whole.

The effort to defeat the Brandywine Raceway rezoning left CCOBH's treasury threadbare. The Council has requested that civic organizations make voluntary contributions to build the treasury back up. As a result, the Community Planning Committee would like to make the following motion:

Moved: The Town Assembly of the Village of Arden hereby authorizes the appropriation of \$100 to be donated to the Council of Civic Organizations of Brandywine Hundred. Said donations shall be made from the town's Contingency Fund.

#### Discussion:

What is Arden's per capita expense compared to other civic associations? Most associations are smaller than Arden. The Council is a hopeful and helpful development. The Council meets the second Thursday of each month at Brandywine High School. The next guest speaker will be John Rollins.

Motion passed unanimously.

#### Playground - Larry Walker

Since the last town meeting, the required playground equipment inspections were made. All of the equipment is in good condition with any necessary repairs made. The rocking horses in the Tot Lot at the north end of the Village Green are in need of repainting, and a person with an artistic bent would be able to do a better job than a Playground Committee member with a large brush. If anyone is interested in the project, please contact a committee member. The Committee will provide all necessary paints and brushes.

#### Registration - Virginia Shaw

The committee supervised the usual Fall fiscal referenda in October-November, 1986. All budget items were approved.

The Assessors for 1986/87 are: Cy Libernan, Michael Curtis, Temma Tanzer, Hugh Roberts, Aaron Hamburger, Harold Monfort and Eugene Shaw. Tom Colgan is the alternate.



There are 393 eligible voters on this date.

Safety - Tom Colgan

The committee's representatives met with the State Highway Traffic Sign Control Division representative regarding our request to install a no-right-turn sign on the south side of Marsh at Harvey. To date, we have not received any notice of action.

The Town Watch needs volunteers to start-up the program in the Spring. Please consider this worthy project.

Bill Press will turn over a booklet from Civic Defense on emergency procedures to the committee.

Ad Hoc Committee - Virginia Shaw

The Ad Hoc Committee proposes that the present office of Parliamentarian be fused with a new Legislative Reference Committee to be charged with preparing an information bank in the form of an index to the documents underlying Town Assembly procedures (Charter and extensions, Deed of Trust, decisions of the Court of Chancery, Roberts Rules of Order, and minutes of the Assembly). This shall be a research tool for the Assembly Chairman, and committee members needing familiarity with basic village law and precedents. It shall not restrict the authority of any Arden officer, but shall be available to each before and during Assembly meetings. At appropriate times any other resident needing such information may arrange to use it.

The Legislative Reference Committee shall consist of three members chosen for two-year alternating terms. At least two shall be present at each Assembly session. One of them shall have consulted in advance with the Assembly Chairman on rules and precedents obviously pertinent to the known pending business, and shall sit at the table ready to research any unexpected points arising during debate. He may communicate by memo with the Chairman during meetings as required. A second member shall be in the hall ready to help with any extended search that may occasionally be needed.

The committee shall arrange for the attendance of said members; for the safekeeping of the master index and for its use by officials and interested residents at reasonable times; and for the presence of at least one of its members in town at most times insofar as possible.

Discussion:

Should the members of the Legislative Reference Committee be elected or appointed? This committee would require special experience and there is a danger in electing members because of their popularity. Town resources are limited; not many people would be qualified or interested. Who should appoint them? Advisory Committee?

Bill Press expressed discomfort with the idea that a committee member should sit at the table; this might be intimidating to the meeting.

Too much is being covered under one motion here. The issue should be broken down into several motions.

Motion tabled until the March meeting.



OLD BUSINESSNominations for Standing Committees and Town Officials

AUDIT: (slate of 6) Marianne Cinaglia, Art Hurwitz, Mary Irons, James Schwaber, Sally Thurston, Patrick Tonkin  
BUDGET: (slate of 6) Betty Hahn Cirker, Ruth Holcomb, Linda Jobson, Matthew O'Conner, Leon Tanzer, Kate Threefoot  
BWVC: (slate of 6) Aaron Hamberger, Romeo Hubner, Cy Liberman, Connee McKinney, Susan Warner, John Landis  
CIVIC: (slate of 4) Carl Falco, Dane Miller, James Schwaber, Leon Tanzer  
PLANNING: (slate of 6) Ruth Bean, Sally Thurston, Pat Pyle, Ed Rohrbach, Sandra Hurlong, Pat Shaeffer-Landis  
PLAYGROUND: (slate of 6) S. Lou Bean, Kevin Noonan, Gena Tonkin, Mary Brent Whipple  
REGISTRATION: (slate of 8) Anne Berlin, Lanier Colgan, John Dossett, Beatrice Jaffe, Mary Ellen Jobson, Choe Morley, Virginia Shaw, Mary Wilkinson  
SAFETY: (slate of 4) Tim Colgan, John Grimaldi, Edward Kelly, Sam Starr  
ASSEMBLY CHAIRMAN: Bill Press  
ADVISORY CHAIRMAN: Don Berman  
ASSEMBLY SECRETARY: Sally Hamburger  
ASSEMBLY TREASURER: Rae Gerstine

NEW BUSINESS

Moved by Gene Shaw and seconded: No person or persons while serving as a Trustee of the Village of Arden shall accept nomination as a voting member of any elected committee or as a salaried employee of the Village. Gene Explained that he was primarily concerned about Trustees serving on the Board of Assessors or Civic Committee because they handle so much of the town finances.

Discussion:

Banning Trustees from running for a committee would mean limiting the right of the voters to elect a good committee. Trustees are often the best informed townspeople and should be active in the government. Trustees often form outside-Arden connections that can be valuable to a committee. Trustees could share their expertise with committees as non-voting members. Interested and qualified committee candidates are in short supply.

Since only 36 people were present at the meeting at this point, the Motion was tabled until March.

GOOD AND WELFARE

Please inform the secretary if you know of anyone who did not receive notice of this meeting through hand delivery.

Please move your cars from the roads in case of snow in order to facilitate efficient snow removal.

Meeting adjourned at 9:38 PM

*Sally Hamburger*  
*Secretary*